United States District Court Southern District of Texas

ENTERED

April 21, 2023 Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

EMMANUEL LOPEZ,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:22-CV-0348
	§	
EDDIE GARZA, DIRECTOR	§	
OF THE TEXAS DEPARTMENT	§	
OF CORRECTIONS, et al.,	§	
	§	
Defendants.	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court are Plaintiff Emmanuel Lopez's motion for entry of default¹ and motion for default judgment² (collectively, the "Motions for Default"), which had been referred to the Magistrate Court for a report and recommendation. On March 31, 2023, the Magistrate Court issued the Report and Recommendation, recommending that the Motions for Default be denied.³ The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.⁴ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, the Motions for Default⁵ are **DENIED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 21st day of April 2023.

Micaela Alvarez United States District Judge

¹ Dkt. No. 19.

² Dkt. No. 21.

³ Dkt. No. 31.

⁴ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Douglas v. United States Service Auto. Ass'n*, 79 F.3d 145, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n. 5 (5th Cir. April 2, 2012).

⁵ Dkt. Nos. 19 & 21.